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11
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14
15 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

16 SUZETTE A. KELLY, an individual;
17 and SARAH FASHION HOUSE,
18 INC., a Florida corporation,

19 *Plaintiffs,*

20 v.

21 FASHION NOVA, LLC, a California
22 corporation,

23 *Defendant.*

24 Case No. 2:23-cv-02360-JAK(RAOx)

25 **JOINT TRIAL WITNESS LIST AND**
ESTIMATE FORM

26 **TRIAL: March 4, 2025**
COURTROOM: 10C

27 **JUDGE: Honorable John A. Kronstadt**

1 Plaintiffs Suzette Kelly and Sarahi Fashion House, Inc. (“Plaintiffs”) and
2 Defendant Fashion Nova, LLC (“Defendant”) hereby submit this identification of
3 witnesses and testimony summary¹ pursuant to the Court’s Order Re Jury/Court Trial
4 For Cases Assigned to Judge John A. Kronstadt (Dkt. #80) and Local Rule 16-5. An
5 asterisk has been placed next to the names of witnesses whom the parties may call
6 only if the need arises.

7 **PLAINTIFFS’ WITNESSES (LIVE OR BY DEPOSITION):**

8 1. **Suzette A. Kelly**

9 Brief Summary of Testimony: Plaintiff’s intellectual property, communications
10 with Fashion Nova pre-litigation, Cease & Desist letter, patent infringement
11 (U.S. D674,991 and U.S. D686,800), and trademark infringement - U.S.
12 Registration No. 6996681, “SARAH,” willfulness, marketing, and damages.

13 2. **Jean Clarke - Deposition Testimony on March 15, 2023**

14 Brief Summary of Testimony: Role as Ms. Kelly’s seamstress who reduced the
15 patented designs to practice.

16 3. **Dr. Carol Galloway**

17 Brief Summary of Testimony: Customer confusion as to the source of the jeans.

18 4. **Asanyah Davidson (Expert)**

19 Brief Summary of Testimony: Testimony regarding the opinions, and bases
20 therefor, contained in her Declarations and Expert Reports, including e.g.,
21 opinions regarding novelty of the patented designs, infringement and validity
22 of the Asserted Patents.

23 5. **Alozie Etufugh, Esq. (Expert)**

24 Brief Summary of Testimony: Patent prosecution histories, and trademark
25 rights.

26 6. **Roger Satur**

28 ¹ Each Party provided its own description of testimony, and thus neither Party waives any objection
regarding the witnesses and scope of any proffered testimony.

1 **Brief Summary of Testimony:** Fashion Nova's Search Engine Optimization
2 (SEO) practices for redirecting SARAH customers to Fashion Nova's website.

3 **7. Ms. Sheri Duran**

4 **Brief Summary of Testimony:** Damages, Fashion Nova's marketing,
5 advertising and sale of the Accused Products.

6 **8. Wendy Voong**

7 **Brief Summary of Testimony:** Fashion Nova's financials and damages.

8 **DEFENDANT'S WITNESSES (LIVE):**

9 **9. Daniel Saghian*²**

10 **Brief Summary of Testimony:** Fashion Nova's corporate representative. How
11 Fashion Nova was founded and how the business is run. Fashion Nova's brand
12 image, typical customer, factors that drive customer sales. Fashion Nova's vendor
13 relationships.

14 **10. Sheri Duran***

15 **Brief Summary of Testimony:** Fashion Nova's brand image, trademarks,
16 typical customer, factors that drive customer sales. Fashion Nova's buying
17 team, process for sourcing and naming products. Fashion Nova's vendor
18 relationships. Fashion Nova's sales, marketing and advertising. Prior art.
19 Fashion Nova's Accused Product Measurement Disclosure(s). Information
20 included in her 9/1/23 Declaration (Dkt. 145-6). Other company and product
21 information from her 3/9/23 Deposition. Product appearance varies based on
22 the size and shape of the individual wearing the product and individual styling.

23 **11. Representatives of Vendors³ Supplying the Accused Jeans***

24 **Brief Summary of Testimony:** Vendor relationship and the design,

26 ² Plaintiffs dispute inclusion of Mr. Saghian as a witness since Plaintiffs contend that they first were
27 apprised of him as a witness on January 27, 2025.

27 ³ Pending the outcome of Defendants' forthcoming MILs (#1-#3) will determine which, if any,
28 vendor representative may be called. Vendors who supplied the accused jeans were disclosed during
discovery.

1 manufacture, and sale of the accused jeans. Measurements for the accused
2 jeans. Prior art.

3 **12. Trista Grieder* (Expert)**

4 Brief Summary of Testimony: Testimony regarding the opinions, and bases
5 therefor, contained in her 1/9/23, 1/17/23, and 6/17/23 Expert Reports. The
6 testimony will include opinions regarding the Asserted Patents (e.g., claim
7 construction, non-infringement, invalidity, and unenforceability) and the
8 asserted SARAH trademark (e.g., non-infringement and no proof of any false
9 designation of origin). Testimony rebutting Plaintiffs' patent and trademark
10 claims, and Plaintiffs' Expert Declarations/Reports (e.g., 1/10/23 and 1/17/23
11 A. Davidson Declarations, 7/10/23 A. Davidson Expert Report, 2/14/23 A.
12 Etufugh Declaration, and 7/10/23 A. Etufugh Expert Report), including as
13 contained in Ms. Grieder's foregoing Expert Reports.

14 **13. Roger Satur***

15 Brief Summary of Testimony: Fashion Nova's digital marketing and product
16 tags, search engine optimization, use of technical systems and website data.

17 **14. Wendy Voong***

18 Brief Summary of Testimony: Testimony regarding income derived from the
19 sales of the accused garments, including issues related to gross sales, net sales,
20 gross margin, returns and deductible expenses.

21 **15. Brian Buss* (Expert)**

22 Brief Summary of Testimony: Testimony regarding the opinions, and bases
23 therefor, contained in his 6/23/23 Expert Report regarding Plaintiffs' alleged
24 damages. Testimony in rebuttal of any theory of damages offered by Plaintiffs
25 at trial, if permitted by the Court.

26 **16. Justin Sobaje***

27 Brief Summary of Testimony: Testimony regarding the content of the YouTube
28 videos that were intentionally deleted by Plaintiffs, the relevance of those

1 videos to Defendant's invalidity and unenforceability positions, as well as
 2 Defendant's attempts to obtain production of those videos from Plaintiffs,
 3 including the information in Mr. Sobaje's 8/23/23 declaration (Dkt. 101-2) and
 4 12/6/24 declaration (Dkt. 207-17).

5 **Estimated Time for Testimony⁴**

Name of the Witness	Estimated Time for Direct Exam	Estimated Time for Cross-Exam	Estimated Time for Re-Direct	Total Time
Plaintiffs' Case in Chief⁵				
Suzette A. Kelly	2.0 hours	2.0 hours	1.0 hour	5.00 hours
Jean Clarke	0.50 hour	.50 hour	.25 hour	1.25 hour
Dr. Carol Galloway	1.0 hour	.50 hour	.25 hour	1.75 hours
Asanyah Davidson	1.5 hours	1.5 hours	.50 hour	3.5 hours
Alozie Etufugh, Esq.	0.5 hour	.5 hour	.25 hour	1.25 hours
Ms. Sheri Duran	0.5 hour	0 – 0.5 hour	n/a	.50 hour
Roger Satur	0.5 hour	0 – 0.5 hour	n/a	.50 hour
Wendy Voong	0.5 hour	0 – 0.5 hour	n/a	.50 hour
TOTAL				14.25–15.75 hours

21
 22
 23 ⁴ Fashion Nova is filing multiple motions *in limine* to exclude evidence and testimony regarding the
 24 universe of accused jean products and regarding Plaintiffs' infringement and damages contentions.
 25 Pending the outcome of those motions, Fashion Nova reserves the right to revise the time estimate
 26 for all witnesses, as do Plaintiffs.

27 ⁵ Plaintiffs have filed, and are filing motions in limine to exclude testimony of Fashion Nova's
 28 experts, Trista Grieder and Brian Buss respectively, regarding unreliable analysis and opinion based
 on insufficient/misstatement of facts. Pending the outcome of these motions, Plaintiffs reserve the
 right to revise the time estimate for all witnesses, as does Defendant. Plaintiffs dispute inclusion of
 Mr. Saghian as a witness since Plaintiffs contend that they first were apprised of him as a witness
 on **January 27, 2025.**

1 **Defendant's Case in Chief**

2 Name of the	3 Estimated	4 Estimated	5 Estimated	6 Total Time
7 Witness	8 Time for	9 Time for	10 Time for	11
12 Direct	13 Cross-	14 Re-Direct	15 	16
Daniel Saghian	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Sheri Duran	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Representatives of Vendors Supplying the Accused Jeans	1.0-2.0 hours	.75 hour	.50-1.0 hour	2.25-3.75 hours
Trista Grieder	5.0-6.0 hours	1.0 hour	.50-1.0 hour	6.5-8.0 hours
Roger Satur	0.0-.50 hour	.25 hour	.25-.50 hour	0.0-1.50 hour
Wendy Voong	0.0-.50 hour	.25 hour	.25-.50 hour	0.0-1.25 hour
Brian Buss	1.5-2.0 hours	.50 hour	.50-1.0 hour	2.5-3.5 hours
Justin Sobaje	.50-1.5 hours	.50 hour	.25-.50 hour	1.25-2.5 hours
TOTAL				17.5-27.5 hours

17 **TOTAL TIME FOR ALL WITNESSES: 31.75-43.25 HOURS**

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2 Respectfully submitted,
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5 CAROL GREEN VON KAUL, P.A.
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8 Dated: January 27, 2025
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10

11 By: /s/ Carol Green von Kaul (with permission)
12 Carol Green von Kaul, Esq. (*Pro Hac Vice*)
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14 SUZETTE A. KELLY and SARAH
15 FASHION HOUSE, INC.

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17 ADLI LAW GROUP, P.C.
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19 Dated: January 27, 2025
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22 By: /s/ Dariush G. Adli (with permission)
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28 /s/ Kelsey C. Boehm

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2 Attorneys for **FASHION NOVA, LLC**

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4 **ATTESTATION UNDER LOCAL RULE 5-4.3.4**

5 I, Kelsey C. Boehm, am the ECF User whose ID and password are being used
6 to file this Joint Trial Witness List. In compliance with Local Rules 5-4.3.4(a)(2), I
7 hereby attest that Plaintiffs' Counsel Carol Green von Kaul and Dariush G. Adli have
8 concurred in this filing.

9

10 DATED: January 27, 2025

/s/ *Kelsey C. Boehm*

/s/ Kelsey C. Boehm